

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements, "Guaranteed Analysis: Crude Protein not less than—40.00 Per Cent \* \* \* Crude Fiber not more than—6.00 Per Cent," on the labeling, were false and misleading as the food contained not more than 33.28 percent of crude protein and not less than 8.10 percent of crude fiber.

**DISPOSITION:** March 6, 1944. A plea of nolo contendere having been entered, a fine of \$25 was imposed.

**6271. Misbranding of livestock feed. U. S. v. The Sherwin-Williams Co., Plea of guilty. Fine, \$200.** (F. D. C. No. 10551. Sample Nos. 26498-F, 26499-F.)

**INFORMATION FILED:** On September 23, 1943, in the Northern District of Ohio, against the Sherwin-Williams Co., a corporation, Cleveland, Ohio.

**ALLEGED SHIPMENT:** On or about January 12 and 25, 1943, from the State of Ohio into the State of Maryland.

**LABEL IN PART:** (Tags attached to sacks) "Sheesley's Champion Live Stock Feed \* \* \* Analysis Minimum Crude Protein . . . 18% \* \* \* Manufactured for B. F. Sheesley & Son Harrisburg, Penna."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statement, "Minimum Crude Protein 18%," borne on the labeling of the article, was false and misleading since the article in one shipment contained not more than 16.61 percent, and, in the other shipment, contained not more than 16.65 percent, of crude protein.

**DISPOSITION:** October 25, 1943, a plea of guilty having been entered, a fine of \$100 on each of 2 counts was imposed.

**6272. Misbranding of dog food. U. S. v. 11½ Dozen Packages of Charge Dessert for Dogs. Default decree of condemnation and destruction.** (F. D. C. No. 11308. Sample No. 65706-F.)

**LIBEL FILED:** December 13, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 17, 1943, by the J. R. Smith Sales Co., Inc., from Tenafly, N. J.

**PRODUCT:** 11½ dozen packages, each containing 6 ounces, of Charge Dessert for Dogs, at New York, N. Y.

The product was a fudge-like candy. The statement of the ingredients contained in the article appeared in small print on two side panels of the package.

**LABEL, IN PART:** "Rx Dr. Beere's Prescribed Brand \* \* \* Charge Dessert For Dogs Food Supplement Contains Minerals and Vitamins A B D G Manufactured for The Canine Vita Candy Co., Inc. \* \* \* New York."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statements appearing in the labeling of the article which suggested that the article was not a candy; that it was made without sugar; that its use would insure good health and a well-balanced diet; that it was particularly necessary to use such a product under present feeding conditions; and that its use would prevent infections, insure proper digestion and growth, and be effective in the treatment of skin ailments, were false and misleading since the article was candy with added vitamins and sugar in the form of dextrose and corn sirup, and its use would not effect the results suggested and implied. The article was further misbranded in that statements in the labeling which suggested that dextrose has some unique property in supplying a dog with energy, and that the rate at which it is digested is nutritionally significant, were false and misleading, since dextrose is of no greater value as a source of energy than other carbohydrates for the normal dog, the rate or ease of digestibility is of no great significance, and dextrose has no particular value as a treatment for animals; and, Section 403 (f), the statement of ingredients required by the law to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6273. Adulteration of meat scraps. U. S. v. 84 Bags of Meat Scraps. Default decree of condemnation. Product ordered delivered to a government hospital for use as fertilizer.** (F. D. C. No. 11463. Sample No. 65685-F.)

**LIBEL FILED:** December 20, 1943, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about November 12, 1943, by Swift & Co., from Harrison, N. J.

**PRODUCT:** 84 100-pound bags of meat scraps at Brooklyn, N. Y.

**LABEL, IN PART:** (Tags) "Swift's Fifty Five Meat Scraps."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, glass, which might have rendered it injurious to health.

**DISPOSITION:** February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a U. S. Marine Hospital, for use as fertilizer.

## FISH AND SHELLFISH

### CANNED FISH AND SHELLFISH

**6274. Adulteration of canned flaked fish. U. S. v. 27 Cases of Flaked Fish (and 3 other seizure actions against canned flaked fish). Decrees of condemnation. One lot ordered destroyed. Remaining lots ordered released under bond or upon deposit of cash collateral. (F. D. C. Nos. 11217, 11763, 11777, 11806. Sample Nos. 57922-F, 57924-F, 57970-F, 58481-F, 68919-F to 68922-F, incl.)**

**LIBELS FILED:** Between December 3, 1943, and February 14, 1944, District of Colorado and District of Columbia.

**ALLEGED SHIPMENT:** From on or about August 25 to October 5, 1943, by Steinharter & Nördlinger, from New York, N. Y., and the Riviera Packing Co., from Eastport, Maine.

**PRODUCT:** Flaked Fish: 55 cases at Denver, Colo., and 194 cases at Washington, D. C., each case containing 48 cans.

**LABEL, IN PART:** (Cans) "Custom House Flaked Fish Contains Fresh Cod and Fresh Pollock \* \* \* Packed by Riviera Packing Company Eastport, Me."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** On February 11, 1944, no claimant having appeared for one lot, judgment of condemnation was entered and the product was ordered destroyed. On August 8, 1944, Arnold Vogl and Victor N. Cory, doing business as the Riviera Packing Co., having appeared as claimants for the remaining lots, and the actions against such lots having been consolidated and removed to the Southern District of New York for trial, pursuant to the agreement of all parties, and the claimants having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond or upon deposit of cash collateral, conditioned that the unfit portion be segregated and destroyed, or denatured under the supervision of the Food and Drug Administration.

**6275. Adulteration of canned oysters. U. S. v. 112 Cases and 116 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 10401. Sample Nos. 39701-F, 39702-F.)**

**LIBEL FILED:** August 19, 1943, District of Arizona.

**ALLEGED SHIPMENT:** On or about May 20, 1943, by the L. C. Mays Co., Inc., from New Orleans, La.

**PRODUCT:** 228 cases at Phoenix, Ariz., each case containing 48 cans of oysters.

**LABEL, IN PART:** (Cans) "C. C. Brand Oysters \* \* \* Packed by C. C. Company Biloxi, Miss.," or "High Sea Brand Oysters."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 6, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6276. Adulteration of canned oysters. U. S. v. 347 Cases of Canned Oysters. Decree of condemnation. Product ordered released under bond for salvaging of fit portion. (F. D. C. No. 10287. Sample No. 36242-F.)**

**LIBEL FILED:** July 22, 1943, District of Colorado.

**ALLEGED SHIPMENT:** On or about March 10, 1943, by the Southern Shell Fish Co., Inc., Mobile, Ala., from New Orleans, La.

**PRODUCT:** 347 cases, each containing 24 cans, of oysters at Denver, Colo.